

REMARKS

Reexamination and reconsideration the pending claims in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-12, 23, and 24 remain pending in the application, with Claims 1, 23, and 24 being the independent claims. Claim 24 has been amended herein to remove extraneous text that was mistakenly included in the previous amendment. No new matter is believed to have been added.

Rejections Under 35 U.S.C. § 103

Claims 1-12, 23, and 24 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 6,389,355 (Gibbs et al.) and U.S. Patent Application Publication No. 20040124998 (Dame). This rejection is respectfully traversed.

Gibbs et al. discloses a flight management system (FMS) and various means and methods for displaying and editing an aircraft flight plan. As the Office action readily admits, Gibbs et al. fails to teach that the disclosed processor (106) receives textual clearance message signals representative of the textual air traffic control clearance messages transmitted to the aircraft, and that the display displays the textual air traffic control clearance messages transmitted to the aircraft. The Office action seems to place some emphasis on the fact that a next waypoint may be displayed and further alleges that the FMS has a datalink. As to the datalink, all that Gibbs et al. teach about this is that it is an annunciator that is color coded depending upon whether options selected within the menu are active or inactive. However, unlike the various other options (e.g., 1103-1108) displayed in FIG. 11A, Gibbs et al. provides no detail whatsoever regarding the datalink option (e.g., 1109), nor does this reference even allude to receiving, transmitting, or displaying textual air traffic control clearance messages transmitted to an aircraft.

Dame relates to a controller-pilot data link communication module (CPDLC) that is connected to an aircraft cockpit audio system to generate aural messages representative of textual air traffic control clearance messages, as well as displaying these messages. Dame also teaches that the CPDLC may generate textual messages from pilot aural commands, and transmit these messages to the ground.

The Office action alleges that the combination of Gibbs et al. and Dame suggest

the inventions encompassed by at least Claims 1, 23, and 24, and cites col. 1, ll. 26-63 of Gibbs et al. as providing motivation for doing so. However, applicant submits that this section of Gibbs et al., as well as sections in Dame, explicitly teach away from the claimed invention.¹ In particular, col. 1, ll. 53-59 of Gibbs et al. states, “flight crews frequently complain that current flight management systems (FMS) are non-intuitive, difficult to interpret, and require too much heads-down time. Indeed, due to the high cockpit workload involved, many flight crews abandon the FMS altogether, choosing instead to fly the aircraft using the autopilot.” It is thus clear that Gibbs et al. explicitly teaches away from providing any additional information on an FMS display that would result in more “heads-down time.” Such additional information would include textual air traffic clearance messages. Moreover, paragraph [0023] of Dame states “[i]f the module is incorporated in the flight management computer system (FMCS), the information displayed by the CPDLC module can be easily lost among other important information displayed by other modules incorporated in the FMCS.” Thus, while Dame discloses that the CPDLC module may optionally be incorporated in the FMCS, Dame also explicitly teaches away from displaying textual air traffic on the FMS display simultaneously with other important information (e.g., the current flight plan).

Because both of the applied references explicitly teach away from the inventions claimed in at least independent Claims 1, 23, and 24, Applicant requests reconsideration and withdrawal of the above-noted § 103 rejections.

Conclusion

Based on the above, independent Claims 1, 23, and 24 are patentable over the citations of record. The dependent claims are also deemed patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

¹ A reference must be considered a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

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